IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.8 OF 2007

Shri.Dynaneshwar Ramchandra Koulwar & Ors. ...Petitioners

V/s.

Shri.Deepak Eknath Chinnavar & Anr. ...Respondents

Shri.Ujwal Agandsurve for Petitioners.
Mr.S.S. Pednekar APP for State.

CORAM : V.M. KANADE, J.

DATED : 4th AUGUST, 2007.

P.C:-

1. Heard learned counsel for the Petitioners.

2. The Petitioners are the original accused in Sessions Case No.38 of 2006 which is pending in the Court of Additional Sessions Judge, Pandharpur. The Petitioners are charged U/s.498A, 302 r/w 34 of IPC. It is alleged that daughter of the complainant was married to Petitioner No.3 Vaibhav. Thereafter, she died on 28/10/2005 and on complaint being lodged, investigation was made and chargesheet was filed against the Petitioners. An application was filed by the

complainant alleging that complainant would not likely to get justice if the case was tried in Pandharpur City. It was alleged that certain threats were given by the Petitioners and that they were influential persons having political links in the City of Pandharpur. Police gave no objection. The Sessions Judge, Solapur accepted plea of the complainant and transferred the matter to the Court of 3rd Ad-Hoc Additional District Judge, Solapur.

3. Petitioners have also assailed this order on various grounds. They have stated that none of the material witnesses hails from the Pandharpur City. There is no ground for transferring the case since there is no possibility of the Petitioners tampering with the witnesses.

4. It is not possible to accept the submissions made by the Petitioners. Sessions Judge has considered all these aspects and has transferred this case to Solapur. There is no reason to interfere with the said order while exercising writ jurisdiction under Article 227 of Constitution of India. Writ Petition is dismissed accordingly.

V.M. KANADE, J.